

REMARKS

The Office action mailed on 12 March 2003 (Paper No. 5) has been carefully considered.

The specification and Abstract are being amended to correct minor errors and improve form. Claims 13, 14 and 16 are being canceled without prejudice or disclaimer, claims 1, 5, 8 thru 11, 17 and 20, and claims 21 thru 38 are being added. Thus, claims 1 thru 12, 15, and 17 thru 38 are pending in the application.

In page 2 of the Office action, the Examiner suggested corrections to the specifications in two instances. Specifically, on page 5, line 21 of the specification, reference numeral "612" should be --162--, and on page 6, line 12 of the specification, reference numeral "62" should be --162--. These corrections have been included in the amendment of the specification.

In paragraph 2 of the Office action, the Examiner rejected claims 1, 2, 4, 5, 10 thru 12, 15 thru 17 and 20 under 35 U.S.C. §102 for alleged anticipation by Gorog *et al.* 6,300,712. In paragraph 4 of the Office action, the Examiner rejected claims 3, 6 thru 9, 13, 14, 18 and 19 under 35 U.S.C. §103 for alleged unpatentability over Gorog *et al.* '712. For the reasons stated below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to

preclude rejection under 35 U.S.C. §102 or §103.

Gorog *et al.* '712 discloses a color picture tube having improved shadow mask-frame assembly support. The shadow mask-frame assembly is mounted in a rectangular faceplate panel by means of springs 42 (*see* Figure 2) located at the four corners of the panel. The springs 42 have aperture engaging studs 34 located on the peripheral sidewall at the four corners. The panel includes additional studs 54 located on the peripheral sidewall near the center of at least one pair of approximately parallel sides of the panel. Brackets 50 are located on opposite sides of the shadow mask-frame assembly at the locations of the additional studs 54. The brackets includes slots 59 (*see* Figures 3 and 4), the slots 59 being open on the sides thereof facing the faceplate. The additional studs 54 are positioned within the slots 59.

The invention recited in independent claim 1, as now amended, is distinguishable from Gorog *et al.* '712 on several grounds. In particular, Gorog *et al.* '712 does not disclose or suggest a rectangular rim formed on the mask frame and disposed in parallel with the tube axis, the rectangular rim having a flange vertically extending from a rear end of the rectangular rim toward the tube axis and perpendicular to the tube axis.

In the latter regard, in paragraph 2 of the Office action, the Examiner states that Gorog *et al.* '712 “discloses an assembly for supporting a mask frame to a stud of a panel

in a cathode ray tube (Figure 2)” (quoting from paragraph 2, lines 3-4 of the Office action). The Examiner further alleges that the “mask frame has a rectangular rim in parallel with the tube axis and a flange vertically extending from a rear end of the rectangular rim” (quoting from paragraph 2, lines 4-6 of the Office action). However, with respect to the latter statement, the Examiner does not cite a figure or reference numerals identifying the rectangular rim or the flange vertically extending from a rear end of the rectangular rim.

Dependent claim 10 provides a further basis for distinction over the prior art in that it recites “said skirt of said shadow mask being closer to said third plane of said stud than to said second plane of said connecting arm” (quoting from claim 10). In paragraph 2 of the Office action, the Examiner alleges that Gorog *et al.* '712 “discloses that the skirt of the shadow mask is closer to the third plane of the stud than the second plane of the connecting arm (Figure 5)” (quoting from the second page of paragraph 2 of the Office action). However, Figure 5 cited by the Examiner does not disclose the skirt of the shadow mask, and the Examiner has not cited any reference numeral in Figure 5 showing the skirt of the shadow mask. Earlier in paragraph 2 of the Office action, the Examiner did refer to the shadow mask having a skirt fixed on the inside surface of a front end of the rectangular rim, citing Figure 1 of Gorog *et al.* '712. However, even if Figure 1 of Gorog *et al.* '712 discloses a skirt fixed on the inside surface of a front end of a rectangular rim, there is no disclosure in any of the figures of Gorog *et al.* '712, or in the

text thereof, indicating or suggesting that the skirt of the shadow mask is closer to the third plane of the stud than to the second plane of the connecting arm, as recited in dependent claim 10.

Turning to consideration of independent claim 11, that claim has been amended to include the recitation (from canceled dependent claim 14) that the connecting arm is wave shaped. On the second page of paragraph 4 of the Office action, in connection with the rejection under 35 U.S.C. §103 based on Gorog *et al.* '712, the Examiner alleges that “the Gorog reference discloses the claimed invention except for the limitation of the connecting arm being wave shaped” (quoting from the first two lines of the second page of paragraph 4 of the Office action). The Examiner then alleges that “a change in size is generally recognized as being within the level of ordinary skill in the art”, and that it “would have been obvious to one having ordinary skill in the art to alter the shape of the connecting arm to wave shaped ... since such a modification would have involve [*sic*] a mere change in the shape of a component” (quoting from the first complete paragraph on the second page of paragraph 4 of the Office action). Applicant respectfully disagrees with this proposition on several grounds.

First, the Examiner is merely stating his opinion as to the impact of a “change in size” on the patentability of an invention, and no legal cases are cited in support of the Examiner's proposition. Second, the recitation that the connecting arm is “wave shaped”

is not merely a recitation as to the particular size of the connecting arm, but rather it is a recitation of a particular configuration or shape of the connecting arm. Within the context of the claim, as supported by the specification of the present application, it is clear that patentable weight should be afforded to the recited configuration of the connecting arm since such configuration is provided in order to provide improved absorbing and damping effect (*see* Figure 7 and page 7, lines 3-4 of the specification).

New dependent claim 21 (dependent from claim 11) provides further basis for distinguishing the invention from the prior art since it recites, in a manner similar to claim 1, that the mask frame includes a flange extending from a rear end of the rectangular rim toward the tube axis and disposed in the second plane of the connecting arm. Thus, the arguments above relative to independent claim 1 (specifically, the recitation of the flange therein) apply equally to dependent claim 21. Moreover, the prior art does not disclose or suggest, and the Examiner has not shown where the prior art discloses or suggests, provision of a mask frame which includes a flange which is disposed in the second plane of the connecting arm, as also recited in claim 21.

Independent claim 23 is distinguishable from the prior art on the grounds that the prior art does not disclose or suggest a mask frame which includes a flange extending from a rear end of the rectangular rim toward the tube axis and disposed in the second plane of the connecting arm. That is to say, independent claim 23 is distinguishable from

relative to either of those two planes. Therefore, it cannot be said that Gorog *et al.* '712 discloses or suggests the invention recited in claim 31.

It should be noted that the latter argument also supports the proposition that dependent claim 22 (which is dependent from previously discussed independent claim 11) defines the invention in a manner distinguishable from the prior art. This is true because of the fact that dependent claim 22 also recites that the skirt of the shadow mask is closer to the third plane of the stud than to the second plane of the connecting arm, and such an arrangement or relationship is not disclosed or suggested in Gorog *et al.* '712.

Dependent claim 33 (dependent from claim 31) contains the same recitation as dependent claim 25, that is, it recites that the connecting arm is one of U-shaped, wave shaped, and right angled relative to the fixing arm. As previously argued with respect to dependent claim 25, this recitation distinguishes the invention recited in dependent claim 33 from the prior art in that the recitation involves a particular configuration of the connecting arm so as to provide the arrangement with an improved absorption and damping effect. Contrary to the statement by the Examiner in paragraph 4 of the Office action, the recitation in question does not involve a mere change in size, and thus it is not considered to be within the level of ordinary skill in the art to provide a connecting arm which has one of the configurations recited in dependent claim 33.

To summarize, the prior art cited by the Examiner does not disclose or suggest the invention as recited in independent claim 1, 11, 23 and 33 (and associated dependent claims) of this application. Furthermore, there is nothing within the "four corners" of the Gorog *et al.* '712 patent which would suggest to or motivate a person of ordinary skill in the art as to modification of the arrangement disclosed in Gorog *et al.* '712 so as to arrive at the present invention. Therefore, not only is a rejection under 35 U.S.C. §102 inappropriate, but also a rejection under 35 U.S.C. §103 is inappropriate.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

A fee of \$354.00 is incurred by the addition of one (1) independent claim in excess of 3 and fifteen (15) total claims in excess of total 20. Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



Robert E. Bushnell,
Attorney for the Applicant
Registration No.: 27,774

1522 "K" Street N.W., Suite 300
Washington, D.C. 20005
(202) 408-9040

Folio: P56280
Date: 6/10/03
I.D.: REB/JGS



Creation date: 11-19-2003
Indexing Officer: HSIAD - HUSSEIM SIAD
Team: OIPEBackFileIndexing
Dossier: 09835592

Legal Date: 08-01-2003

No.	Doccode	Number of pages
1	SRNT	1

Total number of pages: 1

Remarks:

Order of re-scan issued on